

AMENDED IN ASSEMBLY AUGUST 30, 2005

AMENDED IN SENATE AUGUST 16, 2005

AMENDED IN SENATE JUNE 27, 2005

Senate Joint Resolution

No. 10

Introduced by Senator Figueroa

(Coauthors: Senators Cedillo, Romero, and Torlakson)

(Coauthors: Assembly Members Chan, Jones, Leno, ~~and Pavley~~
Pavley, Baca, Bass, Berg, Chavez, Chu, Cohn, Coto, De La Torre,
Dymally, Evans, Frommer, Goldberg, Hancock, Koretz, Laird,
Levine, Lieber, Liu, Matthews, Montanez, Mullin, Nation, Negrete
McLeod, Nunez, Ridley-Thomas, Saldana, Torrico, Vargas, and
Yee)

April 18, 2005

Senate Joint Resolution No. 10—Relative to the USA PATRIOT ACT.

LEGISLATIVE COUNSEL'S DIGEST

SJR 10, as amended, Figueroa. USA PATRIOT ACT.

This measure would urge the California Congressional delegation to work to repeal any provisions of the USA PATRIOT ACT that limit or impinge on rights and liberties protected equally by the United States Constitution and the California Constitution and to oppose any pending and future federal legislation to the extent that it would infringe on Americans' civil rights and liberties.

This measure would also resolve that the State of California will ensure that no state resources are provided for any action that would violate the United States Constitution and the California Constitution, including specified actions.

Fiscal committee: no.

1 WHEREAS, The State of California recognizes the
2 Constitution of the United States of America as our charter of
3 liberty, and that the Bill of Rights enshrines the fundamental and
4 inalienable rights of Americans, including the freedoms of
5 religion, speech, assembly, and privacy; and

6 WHEREAS, The State of California has a distinguished
7 history of safeguarding the freedoms of its residents; and

8 WHEREAS, Each of the California's duly elected public
9 servants has sworn to defend and uphold the United States
10 Constitution and the Constitution of the State of California; and

11 WHEREAS, The State of California denounces and condemns
12 all acts of terrorism, wherever occurring; and

13 WHEREAS, Any new security measures of federal, state, and
14 local governments should be carefully designed and employed to
15 enhance public safety without infringing on the civil liberties and
16 rights of innocent persons in the State of California and the
17 nation; and

18 WHEREAS, Certain provisions of the Uniting and
19 Strengthening America by Providing Appropriate Tools Required
20 to Intercept and Obstruct Terrorism Act, also known as the USA
21 PATRIOT ACT, allow the government greater authority to detain
22 and investigate persons and to engage in surveillance activities
23 that may violate or offend the rights and liberties guaranteed by
24 our federal and state constitutions, including rights of due
25 process, the right to privacy, the right to counsel, protection
26 against unreasonable searches and seizures, and basic First
27 Amendment freedoms; and

28 WHEREAS, The people of California are concerned that many
29 provisions of the USA PATRIOT ACT, pose significant threats
30 to constitutional protections; now, therefore, be it

31 *Resolved by the Senate and the Assembly of the State of*
32 *California, jointly,* That the State of California supports
33 appropriate and effective measures by the government of the
34 United States of America and the State of California to combat
35 terrorism, and affirms its commitment that the campaign not be
36 waged at the expense of essential civil rights and liberties of
37 citizens of this country contained in the United States
38 Constitution and the Bill of Rights; and be it further

39 *Resolved,* That the State of California also urges its
40 congressional delegation to work to repeal any provisions of the

1 USA PATRIOT ACT that limit or impinge on rights and liberties
2 protected equally by the United States Constitution and the
3 California Constitution, and to oppose any pending and future
4 federal legislation to the extent that it would infringe on
5 Americans' civil rights and liberties; and be it further

6 *Resolved*, That the State of California will ensure that no state
7 resources be provided for any action that would violate the
8 United States Constitution, or the Constitution of the State of
9 California, including but not limited to, all of the following:

10 (1) Collecting or maintaining information about the political,
11 religious, or social views, associations, or activities of any
12 individual, group, association, organization, corporation,
13 business, or partnership, unless the information directly relates to
14 an investigation of criminal activities and there are reasonable
15 grounds to suspect the subject of the information is or may be
16 involved in criminal conduct.

17 (2) Recording, filing or sharing intelligence information
18 concerning a person or organization, including library lending
19 and research records, book and video store sales and rental
20 records, medical records, financial records, student records, and
21 other personal data, without reasonable suspicion of criminal
22 activity, even if authorized under the USA PATRIOT ACT.

23 (3) Demanding nonconsensual releases of student and faculty
24 records from public schools and institutions of higher learning.

25 (4) Eavesdropping on confidential communications between
26 lawyers and their clients.

27 (5) Engaging in profiling that enables law enforcement
28 agencies to use race, religion, ethnicity, or national origin as
29 factors in selecting individuals to be subject to investigational
30 activities, except when seeking to apprehend a specific suspect
31 whose race, religion, ethnicity, or national origin is part of the
32 description of the suspect; and be it further

33 *Resolved*, That the Secretary of the Senate shall transmit
34 copies of this resolution to the President and Vice President of
35 the United States, to the Speaker of the House of
36 Representatives, to the Majority Leader of the Senate, and to
37 each Senator and Representative from California in the Congress,

- 1 the Attorney General of the United States, and to all federal and
- 2 state law enforcement agencies.

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